

The far left is promising that all of this will only be the prelude—the prelude—to the main event if they don't like the rulings coming down the pike. One activist group is promising that our cities will be submerged in—listen to this—“a night of rage.”

Well, yesterday, the Senate unanimously passed some supplemental funding for law enforcement to protect the rule of law and to keep the Court, its staff, and the Justices safe from all this. This noncontroversial funding passed here unanimously last night—zero objections. The House of Representatives needs to pass this urgent bill without delay.

#### BORDER SECURITY

Madam President, on another matter, in 2021, on President Biden's watch, each monthly total for illegal migrant apprehensions was higher than the same month's number the previous year. The same thing is happening in 2022. Every month has topped the total from 12 months prior. In fact, this past May didn't just eclipse May of 2021; it set a new alltime record. Border Patrol officers conducted nearly 240,000 apprehensions in May, and 25 percent of them—an “unusually high” rate—involved migrants they had apprehended before in just the past year.

These jaw-dropping numbers are a clear and direct symptom of failed leadership. The Biden administration is making a conscious decision—a conscious decision—to fumble the ball.

Last spring, right after apprehensions hit a 20-year high, President Biden claimed:

It's way down . . . We've now gotten control.

Look, no reasonable person could have looked at the facts and concluded that things were under control, but that is exactly what President Biden and his team insisted. Apparently, a functionally open border is how they define success. A functionally open border is how, apparently, they define success.

Senate Democrats rubberstamped the Biden nominees who are presiding over this failure. The Biden DHS swiftly issued internal guidance encouraging ICE and CBP personnel to use more politically correct terminology when referring to the border crisis. They were quicker to police employees' language than to actually police the border.

Vice President HARRIS spent her time as the administration's supposed border czar, staying as far away as possible from the border itself.

Just this spring President Biden submitted a budget request that would cut funding for Immigration and Customs Enforcement detention. He also promised to cut out the emergency authorities that border officials were relying on—in the absence of a coherent strategy from his administration—to turn away thousands of illegal migrants every single day.

Their response to a functional open border is just to hit the gas pedal.

Stable prices, public safety, and secure borders are three of the most fun-

damental duties of any government. Sadly, for our country, the Biden administration has swung and missed three times.

#### TRIBUTE TO WILLIAM WALSH

Madam President, today, I have the honor of acknowledging a longtime Senate staff member who is proceeding to a well-earned retirement at the end of this month.

Billy Walsh has been with the Secretary of the Senate's office for 19 years. He spent several years as an assistant bill clerk before moving to the Journal Clerk's office and working his way up to that top post.

As the Senate's Journal Clerk for the last 4 years, Billy has brought both good humor and professional dedication to his work in serving the Senate.

So, Billy, congratulations on your retirement, and thank you for your service.

#### REMEMBERING LEONA I. FAUST

Madam President, yesterday was a sad day for the Senate. We learned that we had lost a distinguished, long-serving staff leader in our institution.

Leona Faust had served her country as Senate Librarian for the past 12 years, and that key position was the capstone of a long and storied Senate career that had just entered its 45th year.

Everyone who knew Leona had sterling praise for her work. I have heard our Librarian described by her friends and colleagues as being devoted to the institution—as a true Senate all-star, as the first to volunteer whenever a task needed tackling.

Leona was a beloved colleague. She was also an expert whose professionalism and institutional knowledge filled an essential niche in the Senate's day-to-day functioning.

As leader of a talented team, Leona was constantly looking for new ways to expand the resources the Library offers to Senators and to our staff. She was instrumental in expanding the references and databases of the Senate's information system, especially as the pandemic left big chunks of the institution to working and researching remotely for a while. Year after year, she demonstrated her devotion, often without much fanfare.

The Senate Library staff pull long hours attending to pressing questions here on the floor. Leona led by example. She made herself available at all hours. So the Senate hasn't just lost a talented Librarian who helped people find resources they needed, we lost a true steward of the institution who had become a resource herself in her own right.

Our prayers today are with Leona's family and with her colleagues at the Senate Library and with everyone across the Senate who spent decades admiring Leona's commitment and her expertise and who are now joined together in mourning her loss.

The ACTING PRESIDENT pro tempore. The majority whip.

#### E-CIGARETTES AND VAPING PRODUCTS

Mr. DURBIN. Madam President, if you look at the marketing plan of Big Tobacco in America over the last half-century, it is very obvious: Tobacco companies sell an addictive product. There is a chemical included in the tobacco—nicotine—which is highly addictive. To be successful, they have to convince people to take up smoking, even though it is dangerous to their health and is a product that is difficult to quit. How do they achieve that goal? They prey on children, and they always have. Kids start smoking at an early age, and if the tobacco companies have their way, it leads to an addiction for a lifetime—a compromise on a person's health and even their death.

Over the years, I have done battle with Big Tobacco. The first, I guess, exchange was over banning smoking on airplanes. It seems so long ago, but we were successful, and we really changed the national conversation on tobacco. More and more people became sensitive to the fact that tobacco companies were, in fact, exploiting our children, addicting them to their product, and steps were taken at every level—local, State, and Federal—to stop that from happening, and it worked. The number of children in America who are addicted to tobacco-related products began to decline precipitously.

Big Tobacco was in a panic. They were losing their market share. Kids weren't taking up tobacco smoking the way they had in the past, and so they devised and invented new products. The most obvious one, I want to address this morning: e-cigarettes, vaping.

The nicotine inside these vaping devices is the same nicotine as in the tobacco cigarette, and it is just as addictive. Where have these companies directed their marketing? To children. Once again, to children.

We believe that 2 million or more children in America are currently using vaping products and e-cigarettes. Many of them believe that they are harmless, that they cause no damage to you from a health viewpoint. These children are wrong.

The Agency that is responsible for regulating this product—vaping products, e-cigarettes—is the Food and Drug Administration. They have written a sad and sorry record when it comes to regulation of this deadly product.

Over the years, we have begged them, pleaded with them, argued with them over why they didn't show more leadership in banning this product from the shelves across America because so many children were becoming addicted. It reached the point where a Federal court—after years of delay by the Food and Drug Administration, the U.S. District Court for the District of Maryland ordered the Food and Drug Administration to finally begin regulating these addictive, kid-friendly vaping products, giving a deadline of September 9, 2021, to finalize review of e-cigarette applications.

You see, the law requires the company to prove that the product is not dangerous to the public health before it can be marketed. The FDA really dropped its guard and allowed them to sell the product without that proof, and it took a Federal court setting a deadline to get the FDA back into the business of regulating this deadly product that was addicting millions of children across America.

I have had my ups and downs with the Food and Drug Administration over this issue. I think they could have been much more aggressive. They could have protected more children. But, unfortunately, they did not. During the entire Trump administration, we backpedaled, came up with excuses, did nothing, and so vaping products became more prolific across America, and more children became addicted.

Now we have a new head of the FDA, Dr. Califf. We had our back-and-forth exchanges over this issue, and I made it very clear to him that there was no possible explanation or justification for not regulating this product when the lives and health of so many children were at stake. As I said, we had our good days and bad days in that exchange.

I am happy to report that the Food and Drug Administration has announced this morning a dramatic, historic step forward to protect the children across America from e-cigarette and vaping products. They are finally—finally, the FDA is starting actions to remove from the shelves products produced by the JUUL company—J-U-U-L, JUUL company—that, in fact, endanger our children. This is long overdue.

You won't be surprised to learn that Big Tobacco has a major investment in these companies. They believe this is the future, their new product that they can addict children with—the nicotine—and hook them, perhaps for life, on their products.

The Food and Drug Administration has taken a bold step today. It is going to be a battle royal in court—you can just bet on it—but finally they have stood up and said they are ready and prepared for the battle. I want to join them in that effort.

I also want to say that taking these products off the shelves across America will invite the possibility of contraband or black market sales. We are calling on all those entities which could supply those black market products, including internet sources, to stand up for children across America and join the FDA in stopping the sale of these products.

We estimated that if the Food and Drug Administration did not take action to do this today, did not initiate this effort to stop the sale of this product, we know more children would be addicted. As many as 750,000 to a million children have started since the FDA defied a court deadline in September. That just gives you an idea of the reach of this product and how serious it is.

If you don't know the story behind e-cigarettes and vaping, ask a high school student in America. If that doesn't work, ask their parents when they discover that their kids are addicted to these products. They are innocuous-looking little delivery systems that look like they belong in a computer, while they end up damaging the health of children and people across the United States.

When I spoke to Dr. Califf this morning and he told me about this historic announcement by the Food and Drug Administration, he made it clear that tobacco and smoking and nicotine products were a major threat to the health of children across this country and to Americans. Tobacco regulation, as he noted, is a major step forward in reducing the number of cancer deaths in America and heart disease. It is still a problem. It is still a challenge. And Big Tobacco and their new Big Vaping allies are determined to once again get their hooks in our kids at an early age.

I am heartened by this decision by the Food and Drug Administration. They are in for a legal battle, for sure, but it is worth the effort.

In the end, make sure that you come down on the side of children when we are talking about tobacco and nicotine. It is an issue that I have been involved in for years. I see the Senator from Oregon on the floor, and I know that he was involved in the House of Representatives and in the Senate in the same battle. But our efforts against vaping and e-cigarettes are going to mean that children have a healthier life and better future.

I commend the Food and Drug Administration for this decision removing JUUL products from the shelves of America, and I hope we can do more.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. DURBIN. Madam President, I ask unanimous consent that we begin the vote scheduled for 11 a.m. this morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### VOTE ON MOTION TO DISCHARGE

The question is on agreeing to the motion to discharge.

The yeas and nays were previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 239 Ex.]

#### YEAS—50

Baldwin	Carper	Gillibrand
Bennet	Casey	Hassan
Blumenthal	Coons	Heinrich
Booker	Cortez Masto	Hickenlooper
Brown	Duckworth	Hirono
Cantwell	Durbin	Kaine
Cardin	Feinstein	Kelly

King  
Klobuchar  
Leahy  
Lujan  
Manchin  
Markey  
Menendez  
Merkley  
Murphy  
Murray

Ossoff  
Padilla  
Peters  
Reed  
Rosen  
Sanders  
Schatz  
Schumer  
Shaheen  
Sinema

Smith  
Stabenow  
Tester  
Van Hollen  
Warner  
Warnock  
Warren  
Whitehouse  
Wyden

#### NAYS—49

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Collins	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	
Graham	Portman	

#### NOT VOTING—1

Cramer

The motion was agreed to.

(Ms. CANTWELL assumed the Chair.)

#### LEGISLATIVE SESSION

JOSEPH WOODROW HATCHETT  
UNITED STATES COURTHOUSE  
AND FEDERAL BUILDING—Resumed

The PRESIDING OFFICER (Mr. BOOKER). Under the previous order, the Senate will resume legislative session to resume consideration of the House message to accompany S. 2938, which the clerk will report.

The legislative clerk read as follows:

Message to accompany S. 2938, a bill to designate the United States Courthouse and Federal Building located at 111 North Adams Street in Tallahassee, Florida, as the "Joseph Woodrow Hatchett United States Courthouse and Federal Building", and for other purposes.

Pending:

Schumer motion to concur in the amendment of the House to the bill, with Schumer (for Murphy) amendment No. 5099 (to the House amendment), relating to the Bipartisan Safer Communities Act.

Schumer amendment No. 5100 (to amendment No. 5099), to add an effective date.

Schumer motion to refer the message of the House on the bill to the Committee on Environment and Public Works, with instructions, Schumer amendment No. 5101, to add an effective date.

Schumer amendment No. 5102 (to the instructions (amendment No. 5101) of the motion to refer), to modify the effective date.

Schumer amendment No. 5103 (to amendment No. 5102), to modify the effective date.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S.